



### REMARKS

This is a full and timely response to the non-final Office Action of May 22, 2001.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this First Response, claims 1-18 remain pending in this application, and claim 18 is directly amended herein. It is believed that the foregoing amendment adds no new matter to the present application.

### Response to Double Patenting Rejections

Claims 1-18 presently stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16, 1-80, and 1-15, respectively, of U.S. Patent Nos. 5,623,260; 5,668,543; and 5,657,010. To overcome the foregoing rejections, Applicant submits herewith Terminal Disclaimers disclaiming the portion of the statutory term of any patent granted on the instant application that extends beyond the statutory terms of any of the foregoing patents. Accordingly, Applicant respectfully requests that the obviousness-type double patenting rejections to claims 1-18 be withdrawn.

In filing the Terminal Disclaimers, Applicant relies upon the rulings of the Federal Circuit that the filing of such Terminal Disclaimers does not act as an admission, acquiescence or estoppel on the merits of the obviousness issue. "In legal principle, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection." *Quad Environmental Tech. v. Union*

*Sanitary Dist.*, 946 F.2d 870, 874 (Fed. Cir. 1991); *Ortho Pharmaceutical Corp. v. Smith*, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

**Response to Provisional Double Patenting Rejection**

Claims 1, 4, 7, 9-11, and 13-18 presently stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-21 and 23-49 of copending Application No. 08/852,119. Applicant asserts that upon filing this paper, all other rejections to the pending claims have been overcome. Thus, the provisional double patenting rejection is the only rejection remaining, and pursuant to M.P.E.P. §822, the provisional double patenting rejection should be withdrawn.



### CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted ,

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**ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES MADE**

The following is a marked up version of the amended claim, wherein brackets denoted deletions and underlining denotes additions.

- 1           18. (Once Amended) An advance notification method, comprising the steps of:
- 2           establishing communication with a remote communication device associated with
- 3   [said] a user;
- 4           receiving data from said user communication device;
- 5           identifying a notification time period based on said data;
- 6           monitoring travel of a vehicle in relation to a vehicle stop;
- 7           determining, based on said monitoring step, whether said vehicle is within said notification
- 8   time period from said vehicle stop; and
- 9           establishing communication with said [a] remote communication device or another remote
- 10   communication device associated with said user when said vehicle is within said preset notification
- 11   time period from said vehicle stop.